

# NOTICE OF PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

## Agency Information

1. Agency: Insurance - Administration  
 Room no.: 3110  
 Building: STATE OFFICE BLDG  
 Street address 1: 450 N MAIN ST  
 Street address 2:  
 City, state, zip: SALT LAKE CITY UT 84114-1201  
 Mailing address 1: PO BOX 146901  
 Mailing address 2:  
 City, state, zip: SALT LAKE CITY UT 84114-6901

## Contact person(s):

Name: Phone: Fax: E-mail:

Jilene Whitby	801-538-3803	801-538-3829	jwhitby@utah.gov
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(Interested persons may inspect this filing at the above address or at DAR during business hours)

## Rule Information

DAR file no: 34931 Date filed: 06/15/2011 04:32 PM  
 State Admin Rule Filing Key: 151198  
 Utah Admin. Code ref. (R no.): R 590 - 99 -  
 Changed to Admin. Code ref. (R no.): R 592 - 14 -

## Title

2. Title of rule or section (catchline):  
 Delay or Failure to Record Documents and the Insuring of Properties with the False Appearance of Unmarketability as Unfair Title Insurance Practices.

## Notice Type

3. Type of notice: Amendment

## Rule Purpose

4. Purpose of the rule or reason for the change:  
 The rule number code reference in the Authority section are being changed to indicate that it is a Title and Escrow Commission Rule. An Enforcement Date section has also been added.

## Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.  
 No

## Rule Summary

6. Summary of the rule or change:

The rule changes include: changing the rule number to R592-14; replacing "commissioner" to "Title and Escrow Commission;" changing the code reference in the Authority section; Eliminating the background information in the first half of the Purpose section; Expanding the Purpose section to include the Scope of the rule noting that all title insurers and producers are affected; Adding the words, "title insurance company or title insurance agent" to the end of Subsection 3(B.); and adding an "Enforcement Date" section.

#### Aggregate Cost Information

##### 7. Aggregate anticipated cost or savings to:

###### A) State budget:

Affected: No

The changes to this rule will have no fiscal impact on the department or the state's budget since the major changes deal with ownership of the rule, elimination of background information in the Purpose section and the addition of an "Enforcement Date" section.

###### B) Local government:

Affected: No

This rule will have no fiscal impact on local governments since it deals solely with the relationship between the department and its title licensees.

###### C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

There are no changes that will fiscally impact any of the department's licensees. Changes in the rule include the change in ownership of the rule; title insurance companies and agents being included in those that can call for a record to be delivered to the county recorder or other public official; and an Enforcement Date section.

###### D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

There are no changes that will fiscally impact any of the department's licensees. Changes in the rule are a result of moving the rule from the jurisdiction of the department to that of the Title and Escrow Commission. Since there is no impact on the title industry there will be no fiscal impact on insurance consumers.

#### Compliance Cost Information

##### 8. Compliance costs for affected persons:

There are no changes that will fiscally impact any of the department's licensees. Changes in the rule are a result of moving the rule from the jurisdiction of the department to that of the Title and Escrow Commission. Since there is no impact on the title industry there will be no fiscal impact on insurance consumers.

#### Department Head Comments

##### 9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The changes to this rule will have no fiscal impact on the title industry or its consumers.

##### B) Name and title of department head commenting on the fiscal impacts:

Neal T. Gooch, Insurance Commissioner

#### Citation Information

##### 10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :  
31A-2-404

#### Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page):  
 Publisher:  
 Date Issued:  
 Issue, or version:  
 ISBN Number:  
 ISSN Number:  
 Cost of Incorporated Reference:  
 Adds, updates, removes:

#### Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) :

08/01/2011

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

#### Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy):

08/08/2011

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

#### Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):  
 insurance law

#### File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

#### To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

#### Agency Authorization

Agency head or designee, and title:

Jilene Whitby Information  
 Specialist

Date (mm/dd/yyyy): 06/15/2011